

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ALVIN LUCAS,**

**Defendant.**

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**Case No. 8:02CR77**

**ORDER OF DETENTION**

This case is before the court on the issue of detention following a hearing on a Petition for a Warrant for Offender Under Supervision (#23). During the November 1, 2005 hearing I took the government's motion for detention under advisement and directed Probation to investigate the defendant's proffered statement that he was living in an apartment and paying for the apartment with his monthly SSI (disability) benefit of \$703.

On November 2, 2005 I received a report from Probation that they had visited the apartment at 1501 Park Avenue, #503, and were told by apartment management that the defendant is currently \$1,155.00 delinquent in his rent and is subject to a 14-day eviction notice.

Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Joseph F. Bataillon.

I find that the report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

**IT IS ORDERED:**

1. The defendant should be detained pending a final dispositional hearing before Chief Judge Joseph F. Bataillon in Courtroom 3, 3<sup>rd</sup> Floor, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska, on **November 15, 2005 at 10:30 a.m.** Defendant must be present in person.

2. The defendant, Alvin Lucas, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel ; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 3<sup>rd</sup> day of November 2005.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge